

Remarks:

Claims 1, 10, 11, and 21 are pending. Applicant has amended the claims to distinctively claim the subject matter of the invention. By virtue of this amendment, the pending claims are canceled, and new claims 22-35 are added. No new matter is added as support for the amendments is found within the Specification and the drawings. It is submitted that the application, as amended, is in condition for allowance.

Applicant is not conceding that the subject matter encompassed by claims 1, 10, 11, and 21 prior to this amendment is not patentable over the art cited by the Examiner. Claims 1, 10, 11, and 21 were canceled in this amendment solely to facilitate expeditious prosecution of the allowable subject matter noted by the Examiner. Applicant respectfully reserves the right to pursue the claims, including the subject matter encompassed by claims 1, 10, 11, and 21 as presented prior to this amendment and additional claims in one or more continuing applications.

§102 Rejection(s):

Claims 1, 10, 11, and 21 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,415,156 to Stadelmann (hereafter "Stadelmann"). This rejection is respectfully traversed.

It is respectfully noted that anticipation of a claim under 35 U.S.C. §102 (a), (b) and (c) requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," that "[t]he identical invention must be shown in as complete detail as is contained in the ... claim" and "[t]he elements must be arranged as required by the claim." MPEP §2131.

Also, anticipation of claims using a drawing requires that "the picture must show all the claimed structural features and how they are put together" and "[t]he drawings

must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art." MPEP §2125.

Stadelmann is directed to ordering goods or services using a mobile device. A user of the mobile device can place an order by transmitting a text or email message to a validation platform. The message may include a monetary amount indicating the cost of the goods or services ordered. See Abstract.

Stadelmann fails to disclose at least one of the elements recited in new claim 22, as amended. In particular, Stadelman fails to disclose a method of ordering a first service using a mobile device comprising (1) providing a graphical user interface enabling a user of the mobile device to browse and select a plurality of services, (2) generating and transmitting a text message to a service provider, in response to the user selecting the first service from among the plurality of services, (3) wherein the text message comprises a service code identifying the first service, (4) wherein the service provider provides the first service to the mobile device based on the service code, in response to receiving the text message.

Stadelmann also fails to disclose at least one of the elements recited in new claim 28. In particular, Stadelman fails to disclose a method of ordering a first service using a general computer or kiosk comprising (1) providing a graphical user interface enabling a user of the general computer or kiosk to browse and select a plurality of services, (2) transmitting a service code identifying the first service to a mobile device of the user, in response to the user selecting the first service from among the plurality of services, (3) wherein the mobile device generates and transmits a text message comprising the service code to a service provider, in response to receiving the service code from the general computer or kiosk, (4) wherein the service provider provides the first service to the mobile device based on the service code, in response to receiving the text message.

Further, Stadelman expressly teaches away from the claims. Stadelmann teaches ordering a service by way of a user manually composing a short message, which is transmitted to the service provider. See column 3, lines 3-11. The claims, on the other hand, recite ordering a service by way of a mobile device automatically generating a text message, which is transmitted to the service provider.

For the above reasons, the §102 rejection should be withdrawn. Therefore, it is respectfully submitted that claims 22 and 29 are in condition for allowance. Claims 23-28 and 30-35 depend on claims 22 and 29, respectively, and should be in condition for allowance by virtue of their dependence on an allowable base claim.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has expressly argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (888) 789 2266 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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